

Docket No. 0263-4045US3

Express Mail No. EV 245 492 932US



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**UTILITY APPLICATION AND FEE TRANSMITTAL §(1.53(b))**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) names and addresses:

(1) Tadao YAMAZAKI  
c/o Chugai Seiyaku Kabushiki Kaisha of 41-8  
Takada 3-chome, Toshima-ku  
Tokyo, Japan, 171-0033

(2) Toshiari MORITA  
c/o Chugai Seiyaku Kabushiki Kaisha of 41-8  
Takada 3-chome, Toshima-ku  
Tokyo, Japan, 171-0033

☒ Additional inventors are listed on a separate sheet

For: ERYTHROPOIETIN SOLUTION PREPARATION

Enclosed Are:

16 page(s) of specification  
1 page(s) of Abstract  
2 page(s) of claims  
4 sheets of ☐ Formal ☒ Informal drawings  
7 page(s) of Declaration and Power of Attorney

☐ Unsigned  
☐ Newly Executed  
☒ Copy from prior application  
☐ Deletion of inventors including Signed Statement under 37 C.F.R. §1.63(d)(2)

☐ **REQUEST AND CERTIFICATION UNDER 35 U.S.C. §122(b)(2)(B)(i) (form PTO/SB/35)**

As indicated on the attached Request and Certification, Applicant(s) certify that the invention disclosed in the attached application HAS NOT and WILL NOT be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Applicant(s) therefore request(s) that the attached application NOT be published under 35 U.S.C. §122(b).

☒ **Incorporation by Reference:**

☒ The entire disclosure of the prior application, from which a copy of the combined Declaration and Power of Attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.

☐ **Deletion of Inventors (37 C.F.R. §1.63(d) and §1.33(b))**

Signed statement attached deleting inventor(s) named in the prior application serial no. \_\_\_\_\_, filed \_\_\_\_\_.

☐ **Microfiche Computer Program (Appendix)**

- ☐ page(s) of Sequence Listing
- ☐ computer readable disk containing Sequence Listing
- ☐ Statement under 37 C.F.R. §1.821(f) that computer and paper copies of the Sequence Listing are the same

☐ **Assignment Papers (assignment cover sheet and assignment documents)**

- ☐ A check in the amount of \$40.00 for recording the Assignment
- ☐ Charge the Assignment Recordation Fee to Deposit Account No. 13-4500, Order No. \_\_\_\_\_.
- ☐ Assignment Papers filed in the parent application Serial No. \_\_\_\_\_

☐ **Certification of chain of title pursuant to 37 C.F.R. §3.73(b)**

☐ **Priority is claimed under 35 U.S.C. §119 for:**

☐ **Certified Copy of Priority Document(s) [\_\_\_\_\_]**

- ☐ filed herewith
- ☐ filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

☐ **English translation document(s) [\_\_\_\_\_]**

- ☐ filed herewith
- ☐ filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

☐ **Priority is claimed under 35 U.S.C. §119(e) for:  
Provisional Application No. \_\_\_\_\_, filed \_\_\_\_\_.**

- ☒ Information Disclosure Statement
- ☐ Copy of [\_\_\_\_\_] cited references
- ☐ PTO Form-1449
- ☒ References cited in parent application Serial No. 09/909,429, filed July 18, 2001.
- ☐ Related Case Statement under 37 C.F.R. §1.98(a)(2)(iii)
- ☐ A copy of related pending U.S. Application(s) Serial No(s): \_\_\_\_\_, filed \_\_\_\_\_, respectively, is attached hereto.
- ☐ A copy of related pending U.S. Application(s) entitled, \_\_\_\_\_, filed \_\_\_\_\_ to inventor(s) \_\_\_\_\_, respectively, is attached hereto.
- ☐ A copy of each related application(s) was submitted in parent application serial no. \_\_\_\_\_, filed \_\_\_\_\_.
- ☐ Preliminary Amendment
- ☒ Return receipt postcard (MPEP 503)
- ☒ This is a ☐ continuation ☒ divisional ☐ continuation-in-part of prior application serial no. 09/909,429, filed July 18, 2001, to which priority under 35 U.S.C. §120 is claimed.
- ☒ Cancel in this application original claims 2-18 of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☐ A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application).
- ☒ The status of the parent application is as follows:
- ☐ A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until \_\_\_\_\_.
- ☐ A copy of the Petition for Extension of Time in the co-pending parent application is attached.
- ☒ No Petition for Extension of Time and Fee therefor are necessary in the co-pending parent application.
- ☐ Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.
- ☐ Transfer the drawing(s) from the parent application to this application
- ☒ Amend the specification by inserting before the first line the sentence:  
This is a ☐ continuation ☒ divisional ☐ continuation-in-part of co-pending application Serial No. 09/909,429, filed July 18, 2001, which is a continuation of U.S. Serial No. 09/468,772 filed December 21, 1999, which issued as U.S. Patent No. \_\_\_\_\_.

6,277,367, which is a continuation of U.S. Serial No. 09/171,737 filed December 16, 1998, which issued as U.S. Patent No. 6,120,761, which is a 35 U.S.C. §371 filing of PCT/JP97/01449 filed April 25, 1997.

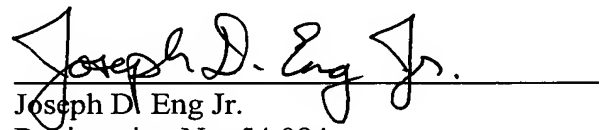
I. CALCULATION OF APPLICATION FEE				
	Number Filed	Number Extra	Rate	Basic Fee \$750.00
Total Claims	1- 20 =	0x	\$18.00	\$ 0.00
Independent Claims	1- 3 =	0x	\$84.00/ \$42.00	\$ 0.00
<input type="checkbox"/> Multiple Dependent Claims		If marked, add fee of \$280.00 (\$140.00)		\$
TOTAL:				\$ 750.00

- ☐ Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith \$\_\_\_\_\_.
- ☒ A check in the amount of \$750.00 in payment of the application filing fees is attached.
- ☐ Charge fee to Deposit Account No. 13-4500, Order No. \_\_\_\_\_. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, **including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency** with the parent application, or credit any overpayment to Deposit Account No. 13-4500, Order No. 0263-4045US3. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: September 29, 2003

By:

  
Joseph D. Eng Jr.  
Registration No. 54,084

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Tadao YAMAZAKI et al.

Group Art Unit: TBA

Serial No.: TBA (Parent No. 09/909,429)

Examiner: TBA

Filed: September 29, 2003 (Parent filing date: July 18, 2001)

For: ERYTHROPOIETIN SOLUTION PREPARATION

**EXPRESS MAIL CERTIFICATE**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Express Mail Label No.: EV 245 492 932US

Date of Deposit: September 29, 2003

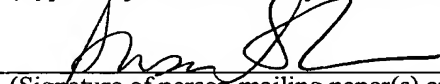
I hereby certify that the following attached paper(s) and/or fee

1. Patent Application consisting of: 16 pages of specification; 2 pages of Claims; 1 page Abstract; 4 sheets of drawings;
2. Utility Application and Fee Transmittal (in duplicate);
3. Copy of Combined Declaration and Power of Attorney;
4. Check of \$750.00 for filing fee;
5. Return postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Susan Shen

(Typed or printed name of person mailing papers(s) and/or fee)



(Signature of person mailing paper(s) and/or fee)

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